



## Civilian Police Advisory Board Study Committee

Date: September 20, 2021

Time: 7:00 PM

Location: Conducted by Remote Participation

### **Attendance**

Karen Bishop	p
Anne Brown	p
Michael Brownstein	p
Elliot Elkin	
Kerrie Fallon	
Julie Flaherty*	p
Laura Gitelson	p
Jillian Harvey*	p

Doug Heim*	p
Carlos Morales	p
Mona Mohtadi	
Sanjay Newton	p
Bob Radochia	p
Kathy Rogers	p
Clarissa Rowe	
Susan Ryan-Vollmar	p

\* - non-voting member | p - present

Doug Heim left to join the Select Board Meeting

### **Agenda**

The meeting was called to order at 7:05pm

1. Presentation from Chief Michael Wynn, Pittsfield Police Department (see this article for some background information about Chief Wynn)  
Chief Wynn summarized his background and time with PPD. He was heavily involved in community policing. Had an advisory committee as a predecessor to the current committee. This was an ad-hoc advisory body which advised Police leadership things that were going on in their communities. Much of the community policing money and programs dried up after 2001 and lost some community good faith. When he took command in 2007, there was no civilian advisory group. In late 2008 Chief Wynn started floating the idea of putting together an informal advisory committee, but it was not well received for the first 3-4 years.

Several years later under a different mayoral administration the Chief found that the city code existed for an advisory group, but it was inactive. He led an effort to update the ordinance but the administration changed again before anyone was appointed. The new mayor appointed people much later but they had not been vetted and that effort died.

In 2015 there were some incidents. Not high profile, but were contentious. People involved in those incidents really started advocating for civilian oversight. It got very messy on the council. They were doing research, but not legal research. There was much back and forth and proponents ultimately presented the ordinance from Cambridge. The administration's position was that much of the Cambridge ordinance would not stand up to legal scrutiny. Chief Wynn spoke with Brian Corr from Cambridge to understand how they were operating and used that understanding to craft what was ultimately adopted in Pittsfield.

PARB - 11 members. 4 at-large members, and the rest are nominated by organizations representing specific interests like the faith community, youth, NAACP, etc. PARB does not have subpoena power. They technically do not serve in an oversight capacity. They operate in an advisory role with the authority to review closed disciplinary investigations and can give recommendations back to the chief if they disagree with investigations or discipline. The chief is not obligated to abide by their recommendations, but historically he has. Under the new state legislative reform they are authorized to see more.

In addition to that role, they participate with the command staff on development of policy. Only the chief gets a final say on policy. They have also advocated for things they believed the police needed, including for police station updates and training.

Fairly stringent training requirements for a volunteer board. They are expected to review about 7 policy areas in their first several months and Pre-Covid they were expected to schedule quarterly ride-alongs.

(Susan Ryan-Vollmar) opened the floor for questions.

(Sanjay Newton) asks how the relationship has worked, and what things have made it work or not work.

(Chief Michael Wynn) I initiated this process looking for an objective outside view. Wasn't a fan of the process because it wasn't constructive. The current board is in a significant period of transition as the initial appointments expire and several board members are choosing not to return. But for the most part he has been very pleased with the relationship with the incumbent members. Feels they have been more than fair but asked hard questions. For example they asked him to change how he wrote his reports to keep external audiences in mind. Changed

the “citizen” complaint form to reflect that’s not the language the Pittsfield Police uses anymore.

(Carlos Morales) asks what was the biggest advantage that you’ve seen from this? And have you had any problems around collective bargaining?

(Chief Michael Wynn) sees the biggest advantage in having another channel of public accountability and transparency. Many police officers are surprised to find out the internal affairs records are public, and have been for a very long time. The Worcester Telegraph decision made them public, but it’s not pro-active. He doesn’t conclude an internal affairs investigation and publish the results. It’s incumbent upon the complainant to ask. Their disposition letter to complainants says that the investigation is concluded, gives the result and asks them to contact his office if they have questions. Wasn’t advertising that the report was available. With the PARB there was now a public conversation, and people can access it even without making the public records request. He’s very proud of the work of IA, but in the 20 years before PARB he probably had 2 requests for the report. Now the quality of their investigations is now widely known. In terms of bargaining, there was hesitation early on, but they had to emphasize that it wasn’t subject to bargaining. This is a public record and you can oppose that based on Collective Bargaining. Did have to be a bit delicate in cases where the case is unfounded. In unfounded cases he redacts much more including officer names.

(Laura Gitelson) mentions the trouble we’ve had comparing ourselves to other communities and asks for a summary of the size of Pittsfield and it’s department

(Chief Michael Wynn) census population is between 44-46k people. He plans using 70k because they are the county seat and have to police the people who come to work and shop there. Authorized strength is 97 officers, currently have 91. They handle about 70k calls for service per year.

(Laura Gitelson) asks about the number of complaints/investigations per year.

(Chief Michael Wynn) they were averaging about a dozen per year when he took over. For the last 4 years they’ve been averaging about 4. To the earlier point about comparables and suggests that comparables in other states are not very useful. Also suggested connecting with Brian Corr. Suggested that it’s helpful for people to hear from a non-police officer that you cannot do a full office of professional responsibility without paid staff. You definitely do lose some authority when you choose to go with a local home-grown thing. You either have to pay professionals or you will have to concede some authority.

(Laura Gitelson) asks about appointing authority in Pittsfield.

(Chief Michael Wynn) the Mayor is the appointing authority for all constitutional bodies. The chief gets a little bit of input on those appointments and he wrote the section on the non-at-large appointments.

(Ann Brown) asks about the time commitment and terms of service for the committee.

(Chief Michael Wynn) believes they were staggered appointments which ultimately became three year terms. They meet monthly but can schedule extra meetings if they choose to and they have some ad-hoc work. Initial training was done in their meetings for the first 5 meetings rather than cases. Quarterly ride-alongs are about 4 hours or less.

(Chief Flaherty) notes that most of her questions have been asked and answered. Asks about the group's ability to take complaints.

(Chief Michael Wynn) notes that this was one of the things within their authority that they most struggled with. The ordinance allows them to receive, but didn't create a mechanism. They stayed with the police complaint form but setup email and drop box for them to receive that form. The hard question was: was their job to receive complaints? Or assist with complaints? Ultimately the board decided that they would "receive." They would provide the form, possibility connect them with an outside advocate not on the board, but they would not assist in filling out the complaint. They can receive it via email, in person, etc. They have not received one, but if/when they do they will forward it to him and it will enter regular process. There will be some change with the creation of POST.

(Sanjay Newton) asks about how civil service may have factored into the creation of the group.

(Chief Michael Wynn) notes that the committee was shocked about how civil service factored into cases. He noted a case where they fired an officer, but arbitration ultimately forced them to reinstate the officer. This happened during the formation of the PARB. In that case it was arbitration, not civil service. PARB also has questions about hiring. Because of civil service they are restricted to hiring off of a list of people - it's a bad business practice. They have done several studies on exiting civil service and PARB has advocated and lobbied on behalf of exiting civil service.

(Sanjay Newton) asks about the Chief's earlier mention that PARB was having significant turnover.

(Chief Michael Wynn) doesn't want to speak for any members. They have been meeting virtually. There was an enormous sense of frustration. Their role, by ordinance, is largely advisory. They can disagree with the Chief but they cannot make him change. Originally he was sending them policies for final approval. The

PARB determined that the ordinance only allowed input. They have a good relationship, but what if they didn't with a successor - it would then be largely an honorary thing. They invested a lot of time, talent and energy in bringing the board up and they found themselves frustrated that they didn't have work to do.

(Laura Gitelson) suggests we transition to the POST commission

(Chief Michael Wynn) notes that police reform is a monster topic. He outlines the POST commission and his role on it. They have a charge to stand up police reform. Some are very time-specific, some will be more long term. Have had to meet some very tight deadlines initially with no budget and staff. There were three time-sensitive tasks - develop and issue guidelines for deescalation strategies for dealing with juveniles. Had to work jointly with the municipal police training committee to issue regulations on use of force. Previously there was no statutory regulation, it was just case law and lesson plans. One of a handful of states that didn't have that. The third was to get a staff and infrastructure in place. They are in the process of hiring three key positions: director, general counsel and chief of information technology. Has been a process of going back and forth between working groups, public input and open meetings. Had some hiccups around definitions of de-escalation and juvenile, but resolved that and got out guidelines. The use of force regulations had to be issued jointly, so there had to be a series of negotiations which was a heavy lift. The three key positions are important because all members but the chair are not full time are not full time. The IT director will be a very big deal because much of the commission job is about collecting and publishing data. The Executive Director is on the job as of today. The general counsel is expected to be in place shortly. Doesn't have a time-frame for IT director. That will be a very niche position because of the skills needed. After the hiring they have to build two offices. Certification office and the investigative branch. The investigative branch will be very dependent on sending agencies quality of investigations. They will review investigations, but probably not completely redo all of them. There are currently lots of questions from chiefs about how to get information to the POST. They've set up an email to receive for now. A big issue looming out there is about reserve part time officers and how to keep them certified.

(Carlos Morales) asks how smaller communities will be able to use the investigative branch of POST.

(Chief Michael Wynn) thinks that may be how the legislature envisioned things. All of the staff cannot be former law enforcement. He's not sure where they will hire qualified investigators to do detailed investigations without law enforcement experience. Insurance industry is one source, but many are former law enforcement. Legal investigators in places like the AG's office may be another. In the short term he expects investigations to mostly work the same as they have been with some extra auditing by POST. But that doesn't address that small rural

departments don't have any IA resources. He doesn't know the exact path yet and how they will cover all of the small departments.

(Sanjay Newton) was going to ask along the same lines. Thanks Chief Wynn for coming and presenting.

(Chief Michael Wynn) would say that one of his concerns is that civilian investigators may impose lighter discipline and there might be a disparity of findings between places with local IA and POST investigators.

(Susan Ryan-Vollmar) asks whether this is already the case.

(Chief Michael Wynn) notes that it is the case, but they aren't compared. Now they will be in a database for easy comparison.

(Sanjay Newton) notes that he is looking forward to being able to compare.

(Chief Michael Wynn) is concerned it will reduce discipline by lowering the curve to the lowest common denominator.

(Laura Gitelson) thanked Chief Wynn.

2. Approve minutes from prior meetings

Vote: to approve September 8, 2021 minutes

Approved Unanimously

3. Updates from committees/constituencies

There were no updates since our last meeting. Several meetings will happen in the near future.

(Sanjay Newton) offered to attend meetings with folks if they wanted company presenting.

4. Outreach Plan Update - Susan Ryan-Vollmar

(Susan Ryan-Vollmar) wanted to offer a clarification about what police officers were on the list of people to reach out to. Other reports and recommendations are clear that underrepresented voices must be centered. They are also clear that police from all ranks should be heard in order to have a successful process. Jill and Susan met and Jill's office will setup the meetings we are seeking to do. She has a process and contacts. Jill will also setup a google form where people can fill and provide feedback either with their name or confidentially.

5. New Business - Laura Gitelson

(Laura Gitelson) mentions that we are scheduled to be on the agenda for the next Select Board meeting. She and Susan will present the interim report and give an introduction to the models of civilian oversight. Carlos will join them to do the models of oversight. Laura asked members to join the meeting if possible. It will be helpful to hear what questions they might have for us.

(Susan Ryan-Vollmar) notes that two members of the select board shared the ACMi interview that Sanjay did on their social media channels.

(Laura Gitelson) asks for an update on any report amendments.

(Susan Ryan-Vollmar) has realized that there is some discrepancy in the understanding of the complaint process and the various informal channels that people utilize. She would like Jill to present to the committee in the future about some situations that she has come across. Rather than amend right now we will have further discussion.

(Laura Gitelson) Jill has approved the ADA compliance of the report so we can publish it. Laura will follow up about translation.

(Michael Brownstein) asks when the report will be on the webpage.

(Sanjay Newton) notes that he had held off when the thought was that there would be an amendment, just so that there weren't two versions floating around. He will ask for it to be published tomorrow now that there is not an amendment.

The committee chose October 13th for a regular business meeting and October 27th for a public input meeting.

6. Adjourn

Vote: to adjourn at 8:26pm

Approved Unanimously